United Nations A/C.3/59/SR.42

General Assembly
Fifty-ninth session

Official Records

Distr.: General
10 December 2004
English
Original: French

Third Committee

Summary record of the 42nd meeting
Held at Headquarters, New York, on Thursday, 11 November 2004, at 2.30 p.m.

Chairman: Mr. Kuchinsky ..... (Ukraine)

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04-60245 (E)

The meeting was called to order at 4.20 p.m.

Agenda item 109: Programme planning (*continued*)

1. **The Chairman** recalled that, in his letter of 4 October 2004 (A/C.3/59/1/Add.1), the President of the General Assembly had informed him that programme 19 of the proposed strategic framework for the period 2006–2007 had been allocated to the Third Committee for review and action. The Chairman took it that the members of the Committee wished to adopt a draft decision, the text of which read as follows: "Pursuant to the decision taken by the General Assembly at the 18th plenary meeting of the 59th session, held on 4 October 2004, to allocate the issue of programme planning (agenda item 109) (programme 19 of the proposed strategic framework for the period 2006–2007) to the Third Committee for review and action and for subsequent submission to the Fifth Committee for its consideration in the context of the overall strategic framework for the period 2006–2007, the Third Committee took note of programme 19 (Human rights), contained in document A/59/6 (Prog. 19) and decided to transmit it to the Fifth Committee, through the President of the General Assembly, for its consideration."

2. **Mr. Cumberbach Miguén** (Cuba) considered that, by virtue of the decision of the General Assembly, decisions on the substance of the recommendations presented under programme 19 of the proposed strategic framework for the period 2006–2007, contained in the report of the Committee for Programme and Coordination (CPC) on the work of its forty-fourth session (A/59/16), came within the competence of the Third – not the Fifth – Committee. He stressed that several initial formulations submitted to the CPC for programme 19 should be reviewed in depth, because the activities carried out at the level of the United Nations system in relation to human rights did not produce the expected results. For instance, it was necessary to integrate the right to development into the work programmes of all relevant agencies of the United Nations system. The speaker recalled that one regional group was still over-represented in the staff of the Secretariat of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and that it was appropriate to correct that situation. At the forty-fourth session of the CPC, the Cuban delegation had made a number of recommendations, which it would further uphold, if necessary, before the Fifth Committee.

3. **Ms. García-Matos** (Venezuela) concurred with the Cuban representative that, although it was up to the Third Committee to review issues of substance, her delegation would nevertheless join the consensus in favour of the proposal.

4. **The Chairman** said that those observations would be included in the report of the Third Committee.

5. *The draft decision was adopted by consensus.*

6. **Mr. Begg** (New Zealand), explaining his delegation's position, said that he also considered that the draft programme, which essentially concerned human rights standards and not budget or administrative issues, fell within the scope of the Third Committee and regretted that the Committee had preferred to surrender its responsibilities to the Fifth Committee while the other Main Committees had without difficulty adopted their draft programmes by consensus.

7. **Ms. Taracena Secaira** (Guatemala) and **Mr. Alday** (Mexico) supported the preceding statements, even though they had not wished to oppose the consensus.

8. **Ms. Ballestrero** (Costa Rica) expressed concern on behalf of his delegation, which had joined the consensus, and stressed that the Third Committee should not surrender its responsibilities and that it was the only Committee responsible for considering the substance of issues related to human rights.

Agenda item 94 (a): Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (*continued*)

9. **Ms. Groux** (Vice-Chairperson) (Switzerland) said that after constructive informal consultations on the Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities, the delegations, wishing to preserve the consistency and relevance of the work of the ad hoc committee responsible for drafting the Convention, had agreed on an oral decision, according to which the Committee would decide to postpone the consideration of the issue until the sixty-first session of the General Assembly at

the latest and would ask the Special Rapporteur on Disability of the Commission for Social Development to take into account, in carrying out his mandate, the ideas outlined in the suggested supplement to the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (E/CN.5/2002/4).

10. *The draft decision, as orally introduced, was adopted.*

Agenda item 98: Advancement of women (*continued*) (A/C.3/59/L.24)

Draft resolution A/C.3/59/L.24: Improvement of the status of women in the United Nations system

11. **The Chairman** said that the draft resolution had no programme budget implications and announced that the following countries had become sponsors: Belarus, Bosnia-Herzegovina, Bulgaria, Cameroon, Central African Republic, Colombia, Costa Rica, Ecuador, Guatemala, Israel, Liechtenstein, Mongolia, Saint Lucia, Saint Vincent and Grenadines, Slovakia, Timor-Leste, Tunisia, Turkey and Uruguay.

12. **Mr. Choi** (Australia) recalled that the goal – set during the Fourth World Conference on Women – of achieving gender equality in the United Nations system by 2000 was far from being met. The main sponsors of the draft resolution – Australia, Canada and New Zealand – had decided to restructure the text and give it a biennial character, providing clear and simple guidelines as part of the effort to revitalize the United Nations. They encouraged the other delegations to do the same when introducing draft resolutions before the Third Committee. The speaker announced the following oral revisions: in paragraph 1, the words "and the recommendations described therein" should be deleted; in paragraph 2 (b), the word "suitable" should be replaced with the words "possessing the necessary qualifications", and the words "formulating recruitment strategies in the main areas of activity" should be inserted after the words "recruitment sources for women"; paragraph 2 (c) should read: "The increased percentage of women appointed for one or more years at senior and policy-making levels"; a new paragraph 3 (b) should be added, worded as follows: "Notes with concern that women are still not represented at the highest decision-making level, particularly Under-Secretary-General posts"; the end of paragraph 5, after "the Charter of the United Nations", should be deleted; a new paragraph, 5 (b), should be added, worded as follows: "Stresses also the need to remedy the continuing lack of representation or under-representation of women from certain countries – in particular from developing countries, including the least developed countries and the small island developing States, from countries with economies in transition and from Member States that are not represented or are largely under-represented"; a further new paragraph, 5 (c), should be added, worded as follows: "Reaffirms the need to continue to develop innovative methods of recruitment in order to find and attract, in particular, women candidates born or residing in developing countries, countries with economies in transition and the other Member States that are not represented or are under-represented in the Secretariat, and possessing the qualifications required in the areas in which women are under-represented"; in paragraph 7, the expression ", especially sexual harassment," should be inserted after the word "harassment"; and, lastly, in the first line of paragraph 11, the words "a verbal" should be replaced with the words "an oral".

13. The representative of Australia then announced that the following countries had become sponsors of the project: Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Brazil, Burkina Faso, Chile, China, Cyprus, Croatia, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Hungary, India, Iceland, Ireland, Italy, Japan, Kazakhstan, Latvia, Lithuania, Luxembourg, Madagascar, Malaysia, Malawi, Malta, Marshall Islands, Mexico, Myanmar, Netherlands, Nicaragua, Niger, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, San Marino, Senegal, Sierra Leone, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela.

14. **Mr. Khane** (Secretary of the Committee) announced that the following countries had also become sponsors: Albania, Bolivia, Bosnia-Herzegovina, Botswana, Burundi, Cape Verde, Congo, Côte d'Ivoire, Democratic Republic of the Congo,

Djibouti, Dominica, Ethiopia, Gabon, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Indonesia, Jamaica, Kenya, Kyrgyzstan, Morocco, Mauritius, Mauritania, Micronesia (Federated States of), Mozambique, Namibia, Rwanda, South Africa, Sudan, Uganda, United Republic of Tanzania, Vietnam, Zambia and Zimbabwe.

15. **Ms. Naz** (Bangladesh) called attention to a typographical error appearing in the English version of the draft: in paragraphs 5 (b) and 5 (c), the expression "less developed countries" should be corrected to read "least developed countries".

16. *Draft resolution A/C.3/59/L.24, as orally revised, was adopted without a vote.*

Agenda item 105 (b): Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/59/L.34 and A/C.3/59/L.52)

Draft resolution A/C.3/59/L.34: Subregional Centre for Human Rights and Democracy in Central Africa

17. **Mr. Khane** (Secretary of the Committee) read out the programme budget implications of the draft resolution. He recalled that, in the appropriations made by the General Assembly for the 2004–2005 biennium under section 24, the amount of US$56,794,500 had been allocated to the Sub-regional Centre for Human Rights and Democracy in Central Africa. Accordingly, the adoption of draft resolution A/C.3/59/L.34 did not necessitate any additional appropriation, since the estimated outlay was within the limits of available resources. He also drew attention to the provisions of part B, section VI of General Assembly resolution 45/248.

18. **The Chairman** announced that Algeria had also become a sponsor of the draft resolution.

19. **Ms. Mahouve** (Cameroon), speaking on behalf of the States members of the Economic Community of Central African States (ECCAS), announced that Burkina Faso, Cape Verde, France, Germany, Italy, Morocco and the United States of America had become sponsors of the draft resolution and thanked those countries for their support. She added that the countries of Central Africa hoped that, in accordance with past practice, the draft resolution would be adopted by consensus.

20. **Mr. Khane** (Secretary of the Committee) announced that Belgium, Côte d'Ivoire, Gambia, Ghana, Mali, South Africa, Togo and Tunisia had become sponsors of the draft resolution.

21. *Draft resolution A/C.3/59/L.34 was adopted without a vote.*

Draft resolution A/C.3/59/L.52: Human rights and terrorism

22. **The Chairman** said that the draft resolution had no programme budget implications and announced that the following countries had become sponsors: Dominican Republic, Ecuador, El Salvador, Eritrea, Kyrgyzstan, Peru, Turkey and Ukraine.

23. **Mr. Lukyantsev** (Russian Federation) announced that Sudan, Tajikistan and Uzbekistan had become sponsors of the draft resolution and said that his delegation hoped that it would receive the broadest possible support. He explained that, by voting in favour of the draft resolution, the States would not only condemn terrorism in all its forms and manifestations but would also express their solidarity with its victims and their families.

24. **Mr. Khane** (Secretary of the Committee) announced that Congo and Sri Lanka had also become sponsors of the draft resolution.

25. **Ms. Groux** (Switzerland) called attention to the fact that his country was not a sponsor of the draft resolution.

26. **The Chairman** said that a recorded vote had been requested.

27. **Mr. Lukyantsev** (Russian Federation) asked the Chairman which countries had requested the recorded vote.

28. **The Chairman** said that the recorded vote had been requested by Australia, the Netherlands on behalf of the European Union, and the United States of America.

29. **Mr. Ceinos-Cox** (United States of America), speaking in explanation of vote before the voting, recalled that a great many United States citizens had been targeted by terrorists in various countries and, referring to the horrible day of 11 September 2001, added that other countries – including, recently, the Russian Federation – and their nationals had suffered from cruel acts of terrorism. The United States,

although committed to combating the scourge of terrorism – and that included cooperating with the appropriate mechanisms set up by the international community – was obliged to vote against the draft resolution, because it still contained language unacceptable to the United States and other countries. The United States had sought even in the current year a formulation that would make a consensus possible, but its proposals had not been taken into consideration.

30. *A recorded vote was taken on draft resolution A/C.3/59/L.52.*

In favour:

Afghanistan, Algeria, Angola, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Egypt, Ecuador, El Salvador, Eritrea, Ethiopia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Malawi, Maldives, Mali, Mauritius, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Omar, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Moldova, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sudan, Sri Lanka, Suriname, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Vietnam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia-Herzegovina, Bulgaria, Canada, Czech Republic, Croatia, Cyprus, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Iceland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Norway, Netherlands, New Zealand, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Argentina, Armenia, Brazil, Chile, Syrian Arab Republic.

31. *Draft resolution A/C.3/59/L.52 was adopted by 109 votes to 49, with 5 abstentions.*

32. **Mr. Rehren** (Chile) said that his country had abstained from voting. Chile emphatically condemned terrorism, which undermined human dignity and the rule of law. Still, perpetrators of terrorist acts should be arrested and prosecuted in conformity with the law and the international treaties on human rights in order to safeguard the rule of law, fundamental freedoms and democratic values. In regard to the draft resolution, the Chilean delegation applauded the reference to the possible establishment of a voluntary fund for victims of terrorism and to ways and means to rehabilitate and reintegrate them in society; but given the content of the eighteenth preambular paragraph, it had decided to abstain, as in the past. It considered that terrorist acts constituted a violation of human rights only when they resulted from the deliberate policy of a State or its agents and that it was not possible to place terrorist groups on an equal footing with States in terms of international responsibility nor to treat them as subjects of international law coming under the purview of an international legal instrument.

33. **Ms. Al Haj Ali** (Syrian Arab Republic) said that her country condemned terrorism in all its forms and manifestations because terrorist acts were criminal. Her delegation had nevertheless abstained from voting on the draft resolution, without criticizing its content, in line with the position expressed before the Sixth Committee on the need to hold an international conference in order to define terrorism and distinguish it from the right of peoples to fight for self-determination.

34. **Mr. Heshiki** (Japan) recalled that his country had always considered that terrorism could not be tolerated under any circumstances nor justified for any reason. He expressed sympathy to the families of victims of

terrorism and to the Russian Federation, sponsor of the draft resolution, in connection with the victims of the recent taking of hostages. Although the Japanese Government was committed to cooperating with the international community in combating terrorism, the Japanese delegation had voted against the draft resolution because Japan's views differed on several points.

35. **Mr. Von Kaufman** (Canada) said that his country unequivocally condemned terrorism and had deployed significant efforts at the national and international level to eliminate that scourge. Supportive of Security Council resolutions 1368 (2001) and 1373 (2001), Canada believed that terrorism could be defeated while human rights, refugee law and international humanitarian law were upheld. Given the importance that Canada ascribed to the counter-terrorist combat, it would have preferred to work with the main sponsors of the draft resolution to reach a consensus on the text. The draft resolution certainly contained numerous constructive elements, but Canada could not support it: the notion that terrorist groups could commit human-rights violations remained a stumbling block. In fact, terrorist acts, committed by individuals or groups of individuals, were criminal and therefore should be dealt with under national and international criminal law: it was the States that had an obligation to respect human rights. Moreover, Canada did not subscribe to the idea that the right to life was a human being's primordial right: no right could be given priority over other rights, and States had an obligation to promote and protect all human rights. Lastly, Canada was concerned that the terms of the draft resolution could be taken to alter the mandate for the study requested by the General Assembly resolution in 58/187 on the protection of human rights and fundamental freedoms while countering terrorism. The Canadian delegation regretted that the main sponsor had not held transparent consultations on the draft resolution nor taken into account the observations of other delegations. For all those reasons, Canada had voted against the draft resolution.

Draft resolution A/C.3/59/L.60: Situation of democracy and human rights in the United States of America

36. **The Chairman** said that the draft resolution had no programme budget implications.

37. **Mr. Dapkiunas** (Belarus) announced that his delegation had decided to withdraw the draft resolution to underscore its consistent opposition to any country-specific resolution on human rights. Such resolutions often exaggerated deliberately the human rights situation in particular States in order to exert political pressure. Generally speaking, they introduced purely bilateral problems and disputes in the – already full – agenda of the Organization and their sponsors used the United Nations system to attain unilateral political goals.

38. The Republic of Belarus had presented the draft resolution mainly to demonstrate, on the basis of facts, that no country in the world – not even the most stable democracy – was immune to human-rights problems and therefore should not be exempt from international scrutiny. The draft resolution, which could be viewed as the first of its kind in the history of the Organization, had attained that objective.

39. The best way to promote human rights in the world was not to adopt country-specific resolutions but to establish a constructive and genuine dialogue between countries. The interpretation of universal human-rights standards and the degree of compliance of each country with them should not be used for manipulation or discrimination.

40. The Belarusian delegation had wished to avoid posing a voting dilemma for friendly delegations. It encouraged other delegations to also withdraw any country-specific draft resolutions that had been introduced on human rights and to re-establish a positive and respectful dialogue on the various issues submitted to the Third Committee for its consideration.

41 **Mr. Lukyantsev** (Russian Federation) applauded the withdrawal of draft resolution A/C.3/59/L.60, a step aimed at depoliticizing the work of the Third Committee and, generally speaking, debates on human rights issues in the United Nations. It was to be hoped that other delegations would follow the example of Belarus. He reaffirmed that the practice of introducing draft resolutions on the human rights situation in a specific country was not constructive but introduced the element of conflict in the work of the Organization and reduced its effectiveness. The Organization had been set up to promote cooperation and the joint quest for solutions to problems, particularly in the area of human rights, not to settle scores or to exploit human rights issues in specific contexts. All Member States should use the debates to discuss thematic questions and not focus on country-specific issues.

42. **Ms. Astanah Banu** (Malaysia) said that Malaysia approved of the Belarusian delegation's courageous decision to withdraw draft resolution A/C.3/59/L.60 and called on other delegations to follow that example. Malaysia was firmly opposed to any resolution targeting a specific country, developing or developed, democratic or not. It had long favoured a non-confrontational approach and constructive dialogue in resolving human rights issues. Although some States still introduced country-specific draft resolutions, sometimes disregarding actual improvements, more and more States rejected such resolutions and the practice of naming and shaming, which polarized Third Commission debates to the point that voting en bloc had become a standard process. Accordingly, the Malaysian delegation urged the other delegations to reconsider their decisions on the issue in view of the role of the Committee and the importance of its work.

43. **Mr. Cumberbach Miguén** (Cuba) stated that Cuba took note of the decision of the Belarus delegation to withdraw draft resolution A/C.3/59/L.60 on the understanding that the withdrawal did not mean that the United States did not massively violate the human rights of people throughout the world. The Cuban delegation reaffirmed its opposition to the introduction of country-specific draft resolutions on human rights issues by countries that also violated human rights.

Agenda item 105 (c): Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/59/L.60)

44. **Mr. Xie Bohua** (China) said that his delegation took note of the withdrawal of draft resolution A/C.3/59/L.60 by Belarus and supported that decision. The purpose of the United Nations in considering human rights issues was to promote international cooperation in the area of human rights. Practice over the years had shown that the introduction of country-specific draft resolutions on human rights issues for political purposes did not help to build confidence and cooperation among nations but on the contrary favoured a climate of confrontation. China hoped that, through dialogue and an exchange of views, which were the only way to promote and protect human rights, States – all on an equal footing and with mutual respect – would be able to attenuate their disagreements.

45. **Mr. Sinaga** (Indonesia) thanked the Belarus delegation for its decision to withdraw draft resolution A/C.3/59/L.60 and stressed that the best means of promoting human rights worldwide lay in constructive and cooperative dialogue among nations, not in country-specific resolutions. Indonesia had decided to make the promotion and protection of human rights a priority, not because of pressure from around the world, but because it considered respect for human rights to be conducive to development. In that connection, in 1993 Indonesia had considered it more effective to adopt a national plan of action than to be satisfied with making political statements. Lastly, the representative of Indonesia noted that, if each Member State introduced a draft resolution on the situation of human rights in another country, the Third Committee would be overwhelmed by a deluge of texts: cooperation and dialogue were therefore the best solution.

The meeting rose at 5.35 p.m.